

From: dtruslow
To: [Donald Larkin](#); [David Swing](#); [Rich Constantine](#); [Rene Spring](#)
Subject: Aug 8 Firearms Meeting Follow-Up
Date: Friday, August 10, 2018 7:41:18 PM
Attachments: [FirearmsPublicSafetyProposals-v1-2-4.pdf](#)
[FirearmsPublicSafetyProposals-v1-2-4.docx](#)
[8Aug2018MH.pdf](#)
[8Aug2018MH.docx](#)

Gentlemen:

Thank you for the opportunity to discuss matters at the Wednesday meeting.

I echo Chief Swing's urging that the objective be defined. As the Cheshire Cat advised Alice, "*If you don't know where you're going, any road will get you there.*"

If the objective is 'anything to save a life', then MHPD should promptly issue CCWs. US armed citizens prevent over 300,000 violent incidents per year using conservative estimates of defensive gun uses (DGU). Drs. Kleck and Lott estimate 2.5 million DGUs per year. The FBI's Active Shooter Incidents (2016-2017) report extols armed citizen interventions and credits their engagements in stopping 6 incidents during the two year period. "Their selfless actions saved many lives."

There are many more interventions that don't meet the FBI's criteria such as the one in Florida a few days ago.

Attached in Word & PDF formats are 25 proposals that I inadvertently neglected to bring to the meeting. All are evidenced-based and am happy to provide supporting data. Please note: these are my views and are not necessarily supported by others. However, they are broadly supported among firearms owners that have reviewed them. Also attached in Word and PDF formats are comments on the proposals distributed at the meeting. These have not been reviewed by others.

Please let me know how I may help to make the community safer.

Attachments: total of four - two each in Word and PPDF formats

Best,
-dave truslow
M: 408-828-1520

Firearms Public Safety Proposals

(draft for discussion purposes – v1.2.4 – 6/27/18. Dave Truslow, E: dtruslow@sonic.net)

Consider 'what works' proposals that address:

- Education
- Detection
- Prevention
- Correction
- Casualty minimization

Where to focus: School shootings? Suicides? Terrorist shootings? Gang shootings? Gun theft? Other?

Management By Objectives: what timeframe to observe improvement, where, and how much?

Cost / benefit: what are the parameters? Example: Stanford has been reported to use \$9 million to estimate the value of life for patients awaiting transplants. What parameters should be used for risk assessment and threat mitigation? How do we know how much to invest and what's sufficient?

No	Suggestion	Considerations
1	Identify Armed Prohibited Persons just as we do for registered sex offenders. Once determined to no longer possess firearms, then names should be promptly removed from the APP list.	Have legislature make APP list public. Use MHPD & SO to clear those on APP list. Unlike sex offenders, the APP list is confidential and only available to law enforcement. The most recent CA DOJ figures claim over 10,000 state residents on APP list. Very slow clearance rate by state. CA recidivism rate: 52%.
2	Ensure enforcement of court-ordered firearms possession bans from SCC Superior Court or other jurisdictions.	No enforcement or confirmation per claims at March 6 th Board of Supervisors meeting.
3	Audit reporting by MHPD, mental health treatment, SCC SO, and other SCC communities consistent with ATF 4473 form.	Fed & CA DOJs claim inconsistent reporting allows gun purchases that should be prohibited. Guns used in Charleston, SC and Sutherland Springs shootings could not have been legally purchased had correct reporting procedures been followed.
4	Support proposals to make firearms theft a felony.	Join with other SCC cities to urge CA legislature to reinstate gun theft as a felony. Currently any theft less than \$950 is a misdemeanor. Virtually all gun-related violent crime involves firearms costing less than \$950. Misdemeanor offenders are not subject to deportation, nor reported to ICE under sanctuary policies.

4	Have MHPD participate in free Project Child Safe gun lock giveaway program.	Helps to increase public awareness for safe storage and theft reduction.
5	Conduct public education program for safe storage.	Compliance increased from about 11% to about 65% when education was incorporated into a safe storage program. No harm reduction benefit in meta-analysis (Epidemiological Reviews, Jan 2016)
6	Offer discount coupons for lockable gun storage containers.	Perhaps funded from buy-back auctions. GAO (2017) study cites “safe storage” compliance went from 5% to 65% when equipment provided.
7	Support community crime prevention education programs such Refuse to Be A Victim program.	Grants are available for instructional material. Instructors may donate their time. Partner with MHPD.
8	Ensure the free Eddy Eagle gun or equivalent safety program is encouraged for young children.	Grants are available for instructional material. Instructors may donate their time. Partner with MHPD.
9	Schools to have their safety programs reviewed and assessed.	Available from the free School Shield program. Grants are available to implement recommendations. Partner with MHPD & SCC Sheriff. SJPD conducts assessment for San Jose Unified School District. Some “active shooter” recommendations conflict with ‘best practices’ recommendations and can result in higher casualties.
10	Investigate arming school resource officers.	Abundant evidence that rapid armed responses save lives. SJPD provides armed school officers in contract with SJUSD.
11	Offer active shooter assessments and training to churches, temples, and other venues with sizeable attendance.	Several organizations offer free active shooter training.
12	Deploy education and means for gun and ammunition disposal.	Partner with MHPD. Studies show gun buy-back programs don’t reduce crime, but important to make disposal convenient. NB. SJPD accepts ‘no questions asked’ gun and ammo disposal. SCC SO has offered an annual program at Reid-Hillview airport, but disposal not otherwise available.
13	Audit MHPD firearms evidence inventory & procedures and compliance with new state vehicular transport law.	Mercury News reported Bay Area law enforcement as a primary source of lost guns – 944 based on an incomplete study. Many guns stolen from law enforcement vehicles.

14	Provide gun lockers for MHPD private vehicles such as implemented for SCC sheriff officers.	Many guns stolen from LEO private vehicles. Important for armed off-duty officers to be able to promptly respond to crime. To avoid 'gift of public funds', organize charitable donations. \$35,000 raised to equip SCC SO private vehicles with gun lockers.
15	Review MHPD firearms training, qualification procedures & preparedness for consistency with 'best practices' and 'worse case' scenarios.	NYPD reports less than 1 of 5 shots hit target resulting in 'spray and pray' accusations and liability for collateral damage. Note: Informal survey of 8 SCC LEO: not one knew their tactical reload time. Average gun fight distance: FBI says 10', PMA study says 20'.
14	Review adequacy and effectiveness of mutual aid agreements with adjacent LEOs like Gilroy & SCC SO.	Numerous problems identified in Parkland FL and elsewhere including incompatible communication equipment.
15	Review benefit of various untapped LEO grants.	Free training ammo is available for MHPD.
16	Evidenced-based programs and data collection	Craft and emphasize initiatives that work. Support and adjust based on scientific management (monitoring and goal setting).
17	Implement criminal and civil penalties for school officials that fail to report as required under CA Education Code 48902 or Penal Code 245. Verify school district policies and procedures to mandate reporting in conformance with CA Education Code of reporting misdemeanors and felonies to law enforcement.	Currently no consequences for failure to report. School shootings often preceded by "red flag" misdemeanor or felony acts that go unreported.
18	Implement behavioral health screening and reporting requirements.	CA's Education Code does not require screening or mental health assessment. Health care providers have no duty to report individuals likely to harm themselves or others. Many homicides, including SJPD officer Johnson's could have been prevented (see SCC DA's report) had health care professionals acted. SCC Behavioral Health Board could not identify published risk criteria for assessing harm to self or others. Approximately 2/3rds (61%) of all gun deaths are suicides.
19	Monitor social media.	Shootings often preceded by "red flag" social media messages. LEO monitors sex trafficking. Unclear about suicide or homicide risk monitoring.

20	Verify hospital & EMS procedures for response to mass shooting.	Does not appear to be documented in County emergency procedures. Identification and travel time to Level 1 trauma treatment?
21	Increase awareness and publish statistics for effectiveness of restraining orders.	CDC domestic violence report (July 2017). Studies indicate up to 80% of restraining orders are violated.
22	MHPD Issue CCWs	Saves substantially more lives than many other proposals. SCC Sheriff virtually never issues. MHPD can issue. Domestic violence claims lives of unprotected . See CDC report (July 2017) and J. Am Acad Psychiatry Law 38:376–85, 2010. FBI Active Shooter report (2016-17) cites advantages: <i>“Armed and unarmed citizens engaged the shooter in 10 [of 50] incidents. They safely and successfully ended the shootings in eight of these incidents. Their selfless actions likely saved many lives.”</i> NB: In 6 incidents, armed citizens stopped additional casualties.
23	Important for law enforcement to be able to promptly respond to crime.	CA law prohibits armed response by off-duty officers to school incidents. Need to change state law.
24	Outreach to seniors and family members for assessing skills, selling, or transferring unwanted firearms owned by those with low cognizant abilities.	Encourage disarming those with low cognizant abilities. This seems a primary factor in the officer-involved-shooting of an armed 86 year old in Saratoga
25	Determine and assess MH public safety critical response capability.	What threat level and response level should public safety (PD/FD)achieve? What standards?

Firearms Public Safety Proposals

(draft for discussion purposes – v1.2.4 – 6/27/18. Dave Truslow, E: dtruslow@sonic.net)

Consider 'what works' proposals that address:

- Education
- Detection
- Prevention
- Correction
- Casualty minimization

Where to focus: School shootings? Suicides? Terrorist shootings? Gang shootings? Gun theft? Other?

Management By Objectives: what timeframe to observe improvement, where, and how much?

Cost / benefit: what are the parameters? Example: Stanford has been reported to use \$9 million to estimate the value of life for patients awaiting transplants. What parameters should be used for risk assessment and threat mitigation? How do we know how much to invest and what's sufficient?

No	Suggestion	Considerations
1	Identify Armed Prohibited Persons just as we do for registered sex offenders. Once determined to no longer possess firearms, then names should be promptly removed from the APP list.	Have legislature make APP list public. Use MHPD & SO to clear those on APP list. Unlike sex offenders, the APP list is confidential and only available to law enforcement. The most recent CA DOJ figures claim over 10,000 state residents on APP list. Very slow clearance rate by state. CA recidivism rate: 52%.
2	Ensure enforcement of court-ordered firearms possession bans from SCC Superior Court or other jurisdictions.	No enforcement or confirmation per claims at March 6 th Board of Supervisors meeting.
3	Audit reporting by MHPD, mental health treatment, SCC SO, and other SCC communities consistent with ATF 4473 form.	Fed & CA DOJs claim inconsistent reporting allows gun purchases that should be prohibited. Guns used in Charleston, SC and Sutherland Springs shootings could not have been legally purchased had correct reporting procedures been followed.
4	Support proposals to make firearms theft a felony.	Join with other SCC cities to urge CA legislature to reinstate gun theft as a felony. Currently any theft less than \$950 is a misdemeanor. Virtually all gun-related violent crime involves firearms costing less than \$950. Misdemeanor offenders are not subject to deportation, nor reported to ICE under sanctuary policies.

4	Have MHPD participate in free Project Child Safe gun lock giveaway program.	Helps to increase public awareness for safe storage and theft reduction.
5	Conduct public education program for safe storage.	Compliance increased from about 11% to about 65% when education was incorporated into a safe storage program. No harm reduction benefit in meta-analysis (Epidemiological Reviews, Jan 2016)
6	Offer discount coupons for lockable gun storage containers.	Perhaps funded from buy-back auctions. GAO (2017) study cites “safe storage” compliance went from 5% to 65% when equipment provided.
7	Support community crime prevention education programs such Refuse to Be A Victim program.	Grants are available for instructional material. Instructors may donate their time. Partner with MHPD.
8	Ensure the free Eddy Eagle gun or equivalent safety program is encouraged for young children.	Grants are available for instructional material. Instructors may donate their time. Partner with MHPD.
9	Schools to have their safety programs reviewed and assessed.	Available from the free School Shield program. Grants are available to implement recommendations. Partner with MHPD & SCC Sheriff. SJPD conducts assessment for San Jose Unified School District. Some “active shooter” recommendations conflict with ‘best practices’ recommendations and can result in higher casualties.
10	Investigate arming school resource officers.	Abundant evidence that rapid armed responses save lives. SJPD provides armed school officers in contract with SJUSD.
11	Offer active shooter assessments and training to churches, temples, and other venues with sizeable attendance.	Several organizations offer free active shooter training.
12	Deploy education and means for gun and ammunition disposal.	Partner with MHPD. Studies show gun buy-back programs don’t reduce crime, but important to make disposal convenient. NB. SJPD accepts ‘no questions asked’ gun and ammo disposal. SCC SO has offered an annual program at Reid-Hillview airport, but disposal not otherwise available.
13	Audit MHPD firearms evidence inventory & procedures and compliance with new state vehicular transport law.	Mercury News reported Bay Area law enforcement as a primary source of lost guns – 944 based on an incomplete study. Many guns stolen from law enforcement vehicles.

14	Provide gun lockers for MHPD private vehicles such as implemented for SCC sheriff officers.	Many guns stolen from LEO private vehicles. Important for armed off-duty officers to be able to promptly respond to crime. To avoid 'gift of public funds', organize charitable donations. \$35,000 raised to equip SCC SO private vehicles with gun lockers.
15	Review MHPD firearms training, qualification procedures & preparedness for consistency with 'best practices' and 'worse case' scenarios.	NYPD reports less than 1 of 5 shots hit target resulting in 'spray and pray' accusations and liability for collateral damage. Note: Informal survey of 8 SCC LEO: not one knew their tactical reload time. Average gun fight distance: FBI says 10', PMA study says 20'.
14	Review adequacy and effectiveness of mutual aid agreements with adjacent LEOs like Gilroy & SCC SO.	Numerous problems identified in Parkland FL and elsewhere including incompatible communication equipment.
15	Review benefit of various untapped LEO grants.	Free training ammo is available for MHPD.
16	Evidenced-based programs and data collection	Craft and emphasize initiatives that work. Support and adjust based on scientific management (monitoring and goal setting).
17	Implement criminal and civil penalties for school officials that fail to report as required under CA Education Code 48902 or Penal Code 245. Verify school district policies and procedures to mandate reporting in conformance with CA Education Code of reporting misdemeanors and felonies to law enforcement.	Currently no consequences for failure to report. School shootings often preceded by "red flag" misdemeanor or felony acts that go unreported.
18	Implement behavioral health screening and reporting requirements.	CA's Education Code does not require screening or mental health assessment. Health care providers have no duty to report individuals likely to harm themselves or others. Many homicides, including SJPD officer Johnson's could have been prevented (see SCC DA's report) had health care professionals acted. SCC Behavioral Health Board could not identify published risk criteria for assessing harm to self or others. Approximately 2/3rds (61%) of all gun deaths are suicides.
19	Monitor social media.	Shootings often preceded by "red flag" social media messages. LEO monitors sex trafficking. Unclear about suicide or homicide risk monitoring.

20	Verify hospital & EMS procedures for response to mass shooting.	Does not appear to be documented in County emergency procedures. Identification and travel time to Level 1 trauma treatment?
21	Increase awareness and publish statistics for effectiveness of restraining orders.	CDC domestic violence report (July 2017). Studies indicate up to 80% of restraining orders are violated.
22	MHPD Issue CCWs	Saves substantially more lives than many other proposals. SCC Sheriff virtually never issues. MHPD can issue. Domestic violence claims lives of unprotected . See CDC report (July 2017) and J. Am Acad Psychiatry Law 38:376–85, 2010. FBI Active Shooter report (2016-17) cites advantages: <i>“Armed and unarmed citizens engaged the shooter in 10 [of 50] incidents. They safely and successfully ended the shootings in eight of these incidents. Their selfless actions likely saved many lives.”</i> NB: In 6 incidents, armed citizens stopped additional casualties.
23	Important for law enforcement to be able to promptly respond to crime.	CA law prohibits armed response by off-duty officers to school incidents. Need to change state law.
24	Outreach to seniors and family members for assessing skills, selling, or transferring unwanted firearms owned by those with low cognizant abilities.	Encourage disarming those with low cognizant abilities. This seems a primary factor in the officer-involved-shooting of an armed 86 year old in Saratoga
25	Determine and assess MH public safety critical response capability.	What threat level and response level should public safety (PD/FD)achieve? What standards?

Aug 8, 2018 Ordinance Proposal Comments

Loss or Theft Reporting

- Probably helpful to clarify a single-point-of-contact for non-FFL holders. ATF requires FFL holders to report within 48 hours of discovery
<https://www.atf.gov/firearms/docs/form/federal-firearms-licensee-theftloss-report-atf-form-331011/download>
- Prop 63 requires reporting within 5 days or face a \$1,000 fine and became effective over a year ago (July, 2017).
- The RAND Corporation failed to find any benefit for mandatory reporting.
- Penalizing gun theft victims: Should victims be fined for failing to promptly report theft?
- Only about 15%-17% of stolen guns are recovered. The “time to crime” is 11.2 years. Significant variation among locales.
- Lawful gun owners are incentivized to promptly report and the overwhelming percentage do so.

Safe Storage

- CA: felony or misdemeanor if child under 18 causes injury or death or carries to public place unless firearm stored via CA approved locking device.
- Gun locks do not reduce theft, gun safes do.
- Compliance with ‘safe storage’ significantly increased when free gun locks and/or gun lockers were provided., but not a measurable reduction in injuries or fatalities.
- Unlike others with ‘safe storage’ regulations, Morgan Hill has large rural tracts. What does “unattended” mean for someone in their shower, gardening in the back yard, or plowing a field a quarter of a mile or more from their firearms? Will a violation be closer to Saratoga’s maximum \$150 fine or San Jose’s \$1,000 and 6 months in jail?
- Several ‘safe storage’ regulations (e.g., San Francisco and Oakland) effectively prevent self-defense: guns must be locked unless carried. The time to unlock far exceeds the time to break into one’s home.

Large Capacity Magazine Ban

- What is ‘large capacity’? The standard capacity is typically 17 rounds for 9mm.
- Prop 63 ban is stayed on capacities > 10 rounds; would expose MH to pointless litigation while matter is under judicial review.
- 10-round limit is arbitrary. No evidence of any public safety benefit with reduced capacity.
- Effectively unenforceable. A standard 9mm magazine typically holds 17 rounds. They are virtually indistinguishable from one that holds 10 rounds when empty. Many 10 round magazines are easily converted to a standard capacity 17 round one or vice-versa with a screwdriver.

Gun and Ammo Sales Permit

No tangible benefit other than revenue generation, but presumably incurs city inspection costs.

- Gun stores are subject to 'no warning' audits by ATF and CA DOJ for compliance with state and federal law.
- Audits include covert attempts to illegally obtain such as via straw purchase and invalid documentation.
- Violation citations are public information.
- CA DOJ and ATF offer rewards and anonymous whistleblower reporting to discourage unlawful behavior.
- NSSF and ATF offer free educational material for employees and public to discourage straw purchases.
- Prosecution of those attempting to illegally acquire firearms is low. Public safety would be better served by legally pursuing those that willfully attempt such efforts.
- Stores have no duty to sell. Store owners often mention refusing to sell to those that raise concerns.

Prohibit Sales to Under 21

No tangible benefit, but harms local economy.

- 18 -20 year old consumers will simply purchase long guns and ammo in Gilroy, San Jose, etc.
- Military personnel under 21 are eligible for combat, but would be prevented from buying long guns or ammo in Morgan Hill.

Aug 8, 2018 Ordinance Proposal Comments

Loss or Theft Reporting

- Probably helpful to clarify a single-point-of-contact for non-FFL holders. ATF requires FFL holders to report within 48 hours of discovery
<https://www.atf.gov/firearms/docs/form/federal-firearms-licensee-theftloss-report-atf-form-331011/download>
- Prop 63 requires reporting within 5 days or face a \$1,000 fine and became effective over a year ago (July, 2017).
- The RAND Corporation failed to find any benefit for mandatory reporting.
- Penalizing gun theft victims: Should victims be fined for failing to promptly report theft.?
- Only about 15%-17% of stolen guns are recovered. The “time to crime” is 11.2 years. Significant variation among locales.
- Lawful gun owners are incentivized to promptly report and the overwhelming percentage do so.

Safe Storage

- CA: felony or misdemeanor if child under 18 causes injury or death or carries to public place unless firearm stored via CA approved locking device.
- Gun locks do not reduce theft, gun safes do.
- Compliance with ‘safe storage’ significantly increased when free gun locks and/or gun lockers were provided., but not a measurable reduction in injuries or fatalities.
- Unlike others with ‘safe storage’ regulations, Morgan Hill has large rural tracts. What does “unattended” mean for someone in their shower, gardening in the back yard, or plowing a field a quarter of a mile or more from their firearms? Will a violation be closer to Saratoga’s maximum \$150 fine or San Jose’s \$1,000 and 6 months in jail?
- Several ‘safe storage’ regulations (e.g., San Francisco and Oakland) effectively prevent self-defense: guns must be locked unless carried. The time to unlock far exceeds the time to break into one’s home.

Large Capacity Magazine Ban

- What is ‘large capacity’? The standard capacity is typically 17 rounds for 9mm.
- Prop 63 ban is stayed on capacities > 10 rounds; would expose MH to pointless litigation while matter is under judicial review.
- 10-round limit is arbitrary. No evidence of any public safety benefit with reduced capacity.
- Effectively unenforceable. A standard 9mm magazine typically holds 17 rounds. They are virtually indistinguishable from one that holds 10 rounds when empty. Many 10 round magazines are easily converted to a standard capacity 17 round one or vice-versa with a screwdriver.

Gun and Ammo Sales Permit

No tangible benefit other than revenue generation, but presumably incurs city inspection costs.

- Gun stores are subject to 'no warning' audits by ATF and CA DOJ for compliance with state and federal law.
- Audits include covert attempts to illegally obtain such as via straw purchase and invalid documentation.
- Violation citations are public information.
- CA DOJ and ATF offer rewards and anonymous whistleblower reporting to discourage unlawful behavior.
- NSSF and ATF offer free educational material for employees and public to discourage straw purchases.
- Prosecution of those attempting to illegally acquire firearms is low. Public safety would be better served by legally pursuing those that willfully attempt such efforts.
- Stores have no duty to sell. Store owners often mention refusing to sell to those that raise concerns.

Prohibit Sales to Under 21

No tangible benefit, but harms local economy.

- 18 -20 year old consumers will simply purchase long guns and ammo in Gilroy, San Jose, etc.
- Military personnel under 21 are eligible for combat, but would be prevented from buying long guns or ammo in Morgan Hill.